

# **Exhibit "2"**



U.S. Department of Justice

Environment and Natural Resources Division

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March 27, 2007

*Via Facsimile Transmission (808-521-6841)*

David L. Henkin  
Earthjustice  
223 South King Street, Suite 400  
Honolulu, Hawai'i 96813

Re: *Ilioulaokalani Coalition v. Rumsfeld*, Civ. No. 04-00502 DAE BMK


Dear David:

We are in receipt of your March 23, 2007 e-mail requesting information regarding future training of the 2<sup>nd</sup> Brigade as a Stryker Brigade Combat Team ("SBCT"), a copy of which is attached. Your email suggests that if the Army intends to conduct training during the month of April that was not previously disclosed during discovery, Plaintiffs may seek to expedite their appeal of Magistrate Judge Kurren's March 23, 2007 Order. However, any request by Plaintiffs to expedite district court review of the March 23, 2007 Order would be unwarranted because the Army has not undertaken and does not presently plan to undertake Stryker training that is new or different from that previously disclosed to the Court and Plaintiffs during consideration of an appropriate injunction pending NEPA compliance.

Your demand for assurances on the scope of Stryker training to be conducted in the future is directly at odds with the Court's previous rulings and, thus, the Army will not provide any such assurances. Specifically, the Court has previously ruled that the Army must maintain the discretion and flexibility to determine what training is necessary to ensure the 2<sup>nd</sup> Brigade is effectively trained as a SBCT. See Court's March 1, 2007 Order denying Plaintiffs' Motion to Clarify December 29, 2006 Order Setting Interim Injunction at 4-5, citing Gilligan v. Morgan, 413 U.S. 1, 10-11 (1973). Accordingly, Plaintiffs have no right to interfere with the Army's discretion or limit its flexibility in determining what training is needed during the upcoming months in order to effectively train and transform the 2<sup>nd</sup> Brigade into a SBCT.

Please be guided accordingly in considering how to proceed in light of the Court's March 23, 2007 Order denying Plaintiffs' request for supplemental discovery.

Sincerely,

  
BARRY A. WEINER  
JAMES D. GETTE

